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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,396	03/30/1999	DALE T. PELLETIER	10569/002001	7183

26191 7590 01/22/2003

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EXAMINER

SING, SIMON P

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 01/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/281,396

Applicant(s)

PELLETIER, DALE T. D

Examiner

Simon Sing

Art Unit

2645

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 01/08/2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - b) ☐ they raise the issue of new matter (see Note below);
  - c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

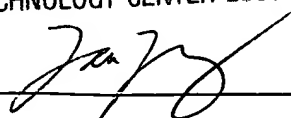
Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600



✓ Continuation of 2. NOTE: The changes on claims 20 and 23 raise new issues. For example in claim 20, deleting "substantial entirety emits light from the message indicator light" and adding "substantially exclusively transparent" .

Applicant's arguments filed on 01/06/2003 have been fully considered but they are not persuasive.

1. The applicant argues the rejection of claim 19 under 35 U.S.C. 102 (Numakura) was improper. The applicant states:

- a) Retrieving a telephone number, which is left by a caller for a called party to call back and stored in a switch system, is not considered as a message retrieval.
- b) The light of Numakura is not integrated with the message button 14.

Examiner disagree with the above arguments based on:

- a) Numakura's message comprising of a caller's telephone number is the claimed "message" recited in claim 19. This message [caller's telephone number] is stored in the switching system and will be forwarded to the called party once the called party pressed the lighted message button 14 (page 6, lines 10-17).
- b) Numakura teaches that a lamp is attached to a message button and becomes an integral part of the message button, since integral means put all parts together and attach also means put things together. In fact, the applicant never discloses that the lamp [light source] is an integral part of the message button. AS described on page 10, lines 8-23 of the specification, the light source is an integral part of a printed circuit board, not the message button.

2. The applicant further argues the rejection of claims 1 and 18 under 35 U.S.C. 103 (Numakura in view of Welch) was improper. The applicant states:

- a) Neither Numakura nor Welch teaches that the presence of light is responsive to a message waiting signal generated by a call management interface.
- b) In Numakura, the message [caller's name and telephone number] is stored locally to the telephone.
- c) Neither Numakura nor Welch teaches a message key emitting light and has a distinct visual difference from it adjoining keys.

Examiner disagree with these arguments based on:

- a) Numakura teaches that the light is responsive to a message waiting signal generated by a control device 2 [call management interface] (page 6, lines 3-4).
- b) The message is stored in a storage device 5 remote from telephone set 8 (page 6, lines 6-9, 11-15).
- c) Numakura teaches that a lamp is attached to the message button 14, which will emit light from the message button 14. Message button 14 is visually distinct (it's much larger) from its adjoining keys. Welch further teaches that a lamp can be placed underneath a push button switch.

The amendment of claims 20, 22 and 23 are not entered, and claims 2-17, 21-23 are dependent claims, and therefore are not allowed.